

**Senate File 2212 - Introduced**

SENATE FILE 2212

BY BOLKCOM

**A BILL FOR**

1 An Act relating to persons hospitalized for mental illness.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 229.1, subsection 20, Code 2018, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *d.* Has a history of lack of compliance with  
4 treatment and any of the following apply:

5 (1) Lack of compliance has been a significant factor in the  
6 need for emergency hospitalization.

7 (2) Lack of compliance has resulted in one or more acts of  
8 serious physical injury to the person's self or others or an  
9 attempt to physically injure the person's self or others.

10 Sec. 2. Section 229.13, subsection 7, paragraph a,  
11 subparagraphs (2) and (3), Code 2018, are amended to read as  
12 follows:

13 (2) Once in protective custody, the respondent shall be  
14 given the choice of being treated by the appropriate medication  
15 which may include the use of oral medicine or injectable  
16 antipsychotic medicine by a mental health professional acting  
17 within the scope of the mental health professional's practice  
18 at an outpatient psychiatric clinic, hospital, or other  
19 suitable facility or being placed for treatment under the  
20 care of a hospital or other suitable facility for inpatient  
21 treatment.

22 (3) If the respondent chooses to be treated by the  
23 appropriate medication which may include the use of oral  
24 medicine or injectable antipsychotic medicine but the mental  
25 health professional acting within the scope of the mental  
26 health professional's practice at the outpatient psychiatric  
27 clinic, hospital, or other suitable facility determines that  
28 the respondent's behavior continues to be likely to result in  
29 physical injury to the respondent's self or others if allowed  
30 to continue, the mental health professional acting within  
31 the scope of the mental health professional's practice shall  
32 comply with the provisions of subparagraph (1) and, following  
33 notice and hearing held in accordance with the procedures in  
34 section 229.12, the court may order the respondent treated  
35 on an inpatient basis requiring full-time custody, care, and

1 treatment in a hospital until such time as the chief medical  
2 officer reports that the respondent does not require further  
3 treatment for serious mental impairment or has indicated the  
4 respondent is willing to submit to treatment on another basis  
5 as ordered by the court.

6 Sec. 3. Section 229.13, subsection 7, paragraph b, Code  
7 2018, is amended to read as follows:

8 b. A region shall contract with mental health professionals  
9 to provide the appropriate treatment including treatment by  
10 the use of oral medicine or injectable antipsychotic medicine  
11 pursuant to [this section](#).

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with  
14 the explanation's substance by the members of the general assembly.

15 This bill relates to the hospitalization of a person with a  
16 mental illness.

17 Under Code chapter 229 (hospitalization of persons with  
18 mental illness), a person may be committed for treatment  
19 if the person is seriously mentally impaired. A person  
20 is seriously mentally impaired if the person has a mental  
21 illness, and because of that illness lacks sufficient judgment  
22 to make responsible decisions with respect to the person's  
23 hospitalization or treatment, and because of that illness is  
24 likely to physically injure the person's self or others, is  
25 likely to seriously emotionally injure others, or is unable  
26 to satisfy the person's basic needs. The bill expands the  
27 definition of seriously mentally impaired to include a person  
28 who has a mental illness, because of that illness lacks  
29 sufficient judgment to make responsible decisions with respect  
30 to the person's hospitalization or treatment, and who because  
31 of that illness has a history of a lack of compliance with  
32 treatment and the lack of compliance has been a significant  
33 factor in the need for emergency hospitalization or resulted  
34 in one or more acts of serious physical injury to the person's  
35 self or others or an attempt to seriously physically injure the

1 person's self or others.

2 Under current law, if a respondent has been ordered to  
3 undergo outpatient treatment and fails to comply, and the  
4 failure to comply is likely to result in physical injury,  
5 a court shall order the person to be taken into physical  
6 custody. A respondent may choose to be treated by the  
7 appropriate medication which may include the use of injectable  
8 antipsychotic medicine. The bill provides that appropriate  
9 medication may also include the use of oral medicine.